

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA : **DOCKET NO. 02-cr-20028**

VERSUS : **JUDGE DRELL**

GARY K. RIDDLE : **MAGISTRATE JUDGE KAY**

REPORT AND RECOMMENDATION

This matter was referred to the undersigned for hearing on the defendant's Motion to Modify Conditions of Supervised Release. Doc. 49. Defendant asks the court to modify Special Condition Number 5 of his supervision, specifically that he be allowed access to internet service for purposes of his employment because, according to him, denial of that access prohibits him from participating in group texts as well as his ability to take and transmit photographs which, according to him, are necessary for him to maintain employment and possibly advance his position there.

After review of the conditions of supervision, the Presentence Investigation Report, and hearing argument by plaintiff and the government, it is

RECOMMENDED that Special Condition Number 5 be supplemented and amended to add the following provision:

Should you choose to possess a device that is capable of accessing the internet, you must comply with the requirements of the Computer Monitoring Program as administered by the Probation Officer, and consent to installation of monitoring software on any computer to which you have access. The software may restrict and / or record any and all activity on the computer, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. You

must not remove, tamper with, reverse engineer, or in any way circumvent the software. You must pay all costs of monitoring. The probation office is specifically authorized to conduct random inspection of any computer device in your possession.

Should you have a second device or cell phone without monitoring software, it must first be approved by the probation officer, and it must only be one that is considered to be a “safe phone” and is not capable of accessing the internet or wifi. You must pay all costs for this device as well.

Under the provisions of 28 U.S.C. §636 and Fed.R.Civ.Proc. 72, parties aggrieved by this recommendation have fourteen (14) business days from service of this report and recommendation to file specific, written objections with the clerk of court. A party may respond to another party’s objections within fourteen (14) days after being served with a copy thereof.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error.

THUS DONE this 26th day of May, 2017.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE